

FILED

OCT 17 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON SCOTT BARTON,

Defendant - Appellant.

No. 05-30345

D.C. No. CR-03-00171-JKS

District of Alaska,
Anchorage

ORDER

RECEIVED
OCT 20 2006
CLERK U.S. DISTRICT COURT
ANCHORAGE, ALASKA

Before: TASHIMA, W. FLETCHER and BERZON, Circuit Judges.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver is granted. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 125 S. Ct. 738 (2005), do not render waiver of appeal involuntary and unknowing).

DISMISSED.